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Message Text

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ORIGIN EB-08

INFO OCT-01 EUR-12 ISO-00 L-03 AID-05 CEA-01 CIAE-00
COME-00 EA-07 FRB-03 INR-07 IO-13 NEA-10 NSAE-00
USIA-06 OPIC-03 SP-02 TRSE-00 LAB-04 SIL-01
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DRAFTED BY EB/IFD/OIA:RDKAUZLARICH
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EUR/RPE:RGELBARD
TREASURY:ECLAPP (SUBS)
COMMERCE:DARRILL (SUBS)
EUR/CE:RBCASAGRANDE (INFO)
L/EB:PRTRIMBLE
----------260533Z 101864 /21
R 242135Z MAR 77
FM SECSTATE WASHDC
TO AMEMBASSY BONN
INFO USMISSION OECD PARIS

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E.O. 11652: N/A

TAGS: EINV, OECD

SUBJECT: COMMITTEE ON INTERNATIONAL INVESTMENT AND MULTI-
NATIONAL ENTERPRISES (CIME) MEETING, MARCH 30 - APRIL 1

REF: OECD PARIS 4811

1. IN CONNECTION WITH THE PREPARATION OF INFORMAL ISSUES
PAPERS FOR CIME CONSIDERATION OF UN TNC CODE EXERCISE
DISCUSSED REFTEL, WE THOUGHT IT MIGHT BE USEFUL FOR THOSE
COUNTRIES PREPARING PAPERS TO HAVE INFORMAL U.S. VIEWS
ON THEIR PARTICULAR ISSUE. POST SHOULD TRANSMIT FOLLO'ING
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INFORMAL U.S. VIEWS ON INVESTMENT CLIMATE TO APPROPRIATE
OFFICIALS WHO ARE DEVELOPING ISSUES PAPER FOR CIME
MEETING.

2. QUOTE: THE OECD DECLARATION HAS GONE FAR IN IMPROVING
THE INVESTMENT CLIMATE AMONG THE INDUSTRIALIZED COUNTRIES,
AND THE POSSIBILITY OF CAPITAL SHORTAGES AND FALLING

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INVESTMENT RATES IN LDCS HAS RECENTLY LED TO A SOMEWHAT MORE PRAGMATIC APPROACH TO FOREIGN INVESTMENT AMONG THE LDCS. DESPITE THIS IMPROVEMENT, THERE IS STILL MUCH THAT REMAINS TO BE DONE IN ORDER TO MOVE TOWARD A CLIMATE WHICH IS CONDUCIVE TO ADEQUATE INVESTMENT FLOWS. SUCH A CLIMATE MUST CONSIST OF THE FOLLOWING ELEMENTS:

(1) GOVERNMENTS MUST TREAT MNES IN AN EQUITABLE, FASHION AND RESPECT THE MINIMUM STANDARDS OF TREATMENT CONTAINED IN INTERNATIONAL LAW;

(2) GOVERNMENTS AND ENTERPRISES SHOULD RESPECT CONTRACTUAL OBLIGATIONS INTO WHICH THEY FREELY ENTER;

(3) GOVERNMENTS MUST ENSURE THAT LEGISLATION, REGULATIONS AND POLICIES ARE EASILY UNDERSTANDABLE, PUBLICLY AVAILABLE AND APPLIED PREDICTABLY AND EQUITABLY;

(4) GOVERNMENTS SHOULD ENCOURAGE BILATERAL CONSULTATIONS ON MNE ISSUES, AND AGREE TO SUPPORT INTERNATIONAL FACT-FINDING AND ARBITRAL PROCEDURES TO SETTLE MNE RELATED DISPUTES;

(5) GOVERNMENTS SHOULD RECOGNIZE THEIR RESPONSIBILITIES IN RESOLVING CONFLICT OF LAWS SITUATIONS.

3. WE BELIEVE THAT AGREEMENT ON THESE BASIC PRINCIPLES IS IMPORTANT IN GUARANTEEING THE INVESTMENT CLIMATE NECESSARY FOR MUTUALLY BENEFICIAL INVESTMENT TO TAKE
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PLACE. UNQUOTE.
VANCE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
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Decaption Note:
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Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
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Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Reference: 77 OECD PARIS 4811
Retention: 0
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